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Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2653

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PATENT
ATTORNEY DOCKET: 041465-5114-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Atsushi YAMAGUCHI et al.)	Confirmation No.: 5132
)	
Application No.: 10/730,981)	Group Art Unit: 2653
)	
Filed: December 10, 2003)	Examiner: Thang V. Tran
)	
For: OPTICAL RECORDING MEDIUM,)	
OPTICAL RECORDING MEDIUM)	
PRODUCING APPARATUS AND)	
OPTICAL RECORDING MEDIUM)	
PRODUCING METHOD)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

- Transmitted herewith is an Amendment in response to the final Office Action dated August 11, 2005.
- Additional papers enclosed:

<input type="checkbox"/>	Drawings: _____ sheets with _____ figures	01/12/2006 JADD01	00000043 10730981
<input type="checkbox"/>	Information Disclosure Statement		
<input type="checkbox"/>	Form PTO-1449	01 FC:1252	450.00 OP
<input type="checkbox"/>	Citations		
<input type="checkbox"/>	Declaration of Biological Deposit		
<input type="checkbox"/>	Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.		

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$450.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	22	minus	27	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16 (b))	3	minus	4	0	x \$200 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$450.00 for the two-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


By:

Paul A. Fournier

Registration No. 41,023

Dated: January 11, 2006

Customer No. 055694**DRINKER, BIDDLE & REATH LLP**

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Sir:

AMENDMENT

In response to the final Office Action dated August 11, 2005, the period for response to which extends through January 11, 2006, by the concurrently filed request for a two-month extension of time and corresponding fee payment, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.